

November 28, 2018

Mr. Kevin Garvey
D.S. Thaler & Associates, Inc.
7115 Ambassador Drive
P.O. Box 47428
Baltimore, MD 21244-7428

RE: Woodholme Center II (a.k.a. Weber-Mauthe Property)
Forest Buffer Variance Request
Tracking # 02-18-2828

Dear Mr. Garvey:

A request for a variance from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains was received by the Department of Environmental Protection and Sustainability (EPS) on October 16, 2018. If granted, the variance would allow a 3,640-sf reduction of the required Forest Buffer Easement to construct a parking lot and storm water management facility in support of a commercial center proposed on a three-acre site. The existing condition of the buffer area to be impacted is meadow and scrub shrub with a few scattered trees. No forest, wetlands, or floodplain would be impacted by the construction. Forested wetlands and buffer exist beyond the proposed limit of disturbance in what will become Forest Buffer and Forest Conservation Easement.

This Department has reviewed this variance request and determined that a practical difficulty exists in honoring the full buffer on this previously developed site given the parking requirements, which are not met by the proposal thus requiring the developer to seek a zoning variance. Moreover, parking would be provided below the proposed commercial space, and the odd shape of the property and extent of the Forest Buffer prevent the ability to meet parking requirements while still developing a reasonably sized commercial building.

We have further determined that impacts to water quality will be adequately minimized given the small amount of buffer reduction and that 1:1 mitigation and protection of the remaining buffer is proposed by way of planting with native species of trees and posting of protective signage. Consequently, we find that impacts to water quality resulting from this variance can be adequately minimized by this proposed mitigation.

Therefore, we will grant this variance in accordance with Section 33-3-106 of the Baltimore County Code with the following conditions:

1. 3,640 sf of open Forest Buffer onsite, including temporarily disturbed buffer area, shall be planted with native species of deciduous trees. Tree stock shall be a minimum 1-inch caliper stock. This is in addition to any planting required to meet the Forest Conservation Law. Any planting for Forest Conservation shall be within any remaining open buffer area.
2. The Forest Buffer Easement, as reduced per this variance, shall be surveyed and posted with "Forest Buffer Do Not Disturb" signs at 75-foot intervals or any turn in the easement. Information regarding sign specifications and availability is enclosed for your use.
3. A final, combination Forest Conservation and Forest Buffer Protection Plan (FCP/FBPP) detailing the planting and posting of the buffer required above as well as meeting all Forest Conservation requirements and addressing EPS comments on the preliminary FBPP must be submitted to EPS and approved prior to grading and sediment control plan approval.
4. A planting security based on 110% of an EPS-approved, itemized cost estimate shall be posted via an Environmental Agreement prior to grading permit issuance.
5. The Forest Buffer and Forest Conservation Easement shall be recorded in Baltimore County Land Records along the appropriate Declaration of Protective Covenants via an EPS-approved right of way plat package prior to any reduction of EPS-held securities.
6. The following note must appear on all plans submitted for this project:
"A variance was granted on November 28, 2018 by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains. Conditions were placed on this variance to reduce water quality impacts including planting and posting of the Forest Buffer Easement."

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the party responsible for implementing the conditions of this variance sign the statement on the following page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

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If there are any questions regarding this correspondence, please contact Mr. Glenn Shaffer at (410) 887-3980.

Sincerely,

David V. Lykens
Deputy Director

Enclosure

c. Mr. Mark Bennett, Keller Road LLC

I/we agree to the above conditions to bring my/our property into compliance with the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Property Owner
Date

Property Owner	Date
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Printed Name

Printed Name

DVL:ges